

## PATENT COOPERATION TREATY

From the INTERNATIONAL BUREAU

PCT

## NOTIFICATION OF ELECTION

(PCT Rule 61.2)

To:

Commissioner  
US Department of Commerce  
United States Patent and Trademark  
Office, PCT  
2011 South Clark Place Room  
CP2/5C24  
Arlington, VA 22202  
ETATS-UNIS D'AMERIQUE  
in its capacity as elected Office

Date of mailing (day/month/year)

23 November 2000 (23.11.00)

International application No.

PCT/US00/10272

Applicant's or agent's file reference

CM2100/3B

International filing date (day/month/year)

13 April 2000 (13.04.00)

Priority date (day/month/year)

30 April 1999 (30.04.99)

Applicant

HEINZMAN, Stephen, Wayne et al

1. The designated Office is hereby notified of its election made:



in the demand filed with the International Preliminary Examining Authority on:

06 October 2000 (06.10.00)



in a notice effecting later election filed with the International Bureau on:

2. The election ☒ was

was not

made before the expiration of 19 months from the priority date or, where Rule 32 applies, within the time limit under Rule 32.2(b).

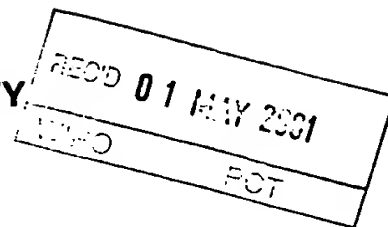
The International Bureau of WIPO  
34, chemin des Colombettes  
1211 Geneva 20, Switzerland

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## INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

19

Applicant's or agent's file reference CM2100/3B	<b>FOR FURTHER ACTION</b> See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/US00/10272	International filing date (day/month/year) 13/04/2000	Priority date (day/month/year) 30/04/1999
International Patent Classification (IPC) or national classification and IPC C11D3/12		
Applicant THE PROCTER & GAMBLE COMPANY et al.		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.



2. This REPORT consists of a total of 7 sheets, including this cover sheet.

- ☐ This report is also accompanied by ANNEXES, i.e. sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of sheets.

3. This report contains indications relating to the following items:

- I ☒ Basis of the report
- II ☐ Priority
- III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- IV ☐ Lack of unity of invention
- V ☒ Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI ☐ Certain documents cited
- VII ☒ Certain defects in the international application
- VIII ☒ Certain observations on the international application

Date of submission of the demand  06/10/2000	Date of completion of this report  27.04.2001
Name and mailing address of the international preliminary examining authority:   European Patent Office D-80298 Munich Tel. +49 89 2399 - 0 Tx: 523656 epmu d Fax: +49 89 2399 - 4465	Authorized officer  Culmann, J-C  Telephone No. +49 89 2399 8487 

# INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No. PCT/US00/10272

## I. Basis of the report

1. With regard to the **elements** of the international application (*Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17)*):

**Description, pages:**

1-72 as originally filed

**Claims, No.:**

1-15 as originally filed

2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language: , which is:

- ☐ the language of a translation furnished for the purposes of the international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of a translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. The amendments have resulted in the cancellation of:

- ☐ the description, pages:
- ☐ the claims, Nos.:
- ☐ the drawings, sheets:

5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)):

# INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No. PCT/US00/10272

*(Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.)*

6. Additional observations, if necessary:

## **V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

### **1. Statement**

Novelty (N)	Yes:	Claims	4,5,7
	No:	Claims	1-3,6,8-15
Inventive step (IS)	Yes:	Claims	
	No:	Claims	1-15
Industrial applicability (IA)	Yes:	Claims	1-15
	No:	Claims	

2. Citations and explanations  
**see separate sheet**

## **VII. Certain defects in the international application**

The following defects in the form or contents of the international application have been noted:  
**see separate sheet**

## **VIII. Certain observations on the international application**

The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:  
**see separate sheet**

*nUKmAl*

**V. Reasoned statement under Article 35(2) with regard to novelty, inventive step and industrial applicability**

**Novelty**

1. Document D1 (US-A-5 062 972) relates to agglomerated clay particles with satisfying dispersions, see more particularly the paragraph bridging columns 3 and 4; at column 4, lines 59 and 60 "excessive compression of the clay to achieve the desired density can inhibit dispersion"; and also the compressed agglomerates of the examples.

The subject-matter of claims 1, 3, 6, 9, 13, 14 and 15 lacks novelty.

2. Document D2 (GB-A-2 278 057) relates to pharmaceutical tablets made from clay-containing granules, subsequently compacted to tablets, see more particularly Examples 1 to 9, and their method of preparation on page 19, steps (a) to (f). The subject-matter of claims 1, 2, 3, 6, 8, 9, 11, 12, 13, 14 lacks novelty.
3. Document D3 (EP-A-0 313 146) relates to granular detergent compositions comprising clay agglomerates, made of (at least) 70 to 99.5% of smectite-type clay and 30 to 0.5% of an organic humectant. The fully formulated composition A (see the table on page 7) is particularly relevant. The subject-matter of current claims 1, 3, 6, 8, 9, 10, 13, 14 and 15 lacks novelty.

**Inventive step**

1. The present application relates to compressed clay components.

Whereas there is an allegation as to an improved speed of disintegration of tablets comprising said compressed clay component above tablets wherein the clay is not previously compressed, there is no evidence in support of this allegation.

At this stage, the man skilled in the art has only two options:

- i) he cannot, on the basis of his technical knowledge, share the Applicant's opinion as to the improvement in speed dispersion;
- ii) from the mere reading of the present application, he shares the Applicant's opinion.

Option i) leads the man skilled in the art to the conclusion that the problem faced by the Applicant is not solved; then, since compressing clay is not a problem, he arrives at compressed clay components, and the subject-matter of the present application is devoid of an inventive step.

Option ii) means that the man skilled in the art already knows the effect, which cannot be thus seen as a contribution over the prior art.

Whatever option is considered, lack of an inventive step must logically be concluded for the subject-matter which does not lack novelty.

2. Because the "crux" of the present application was the compressed clay, the Applicant was respectfully invited to carry out the investigation of the properties of compressed clay.

He should have compared the disintegration time of tablets differing only by the state (compressed or not) of the clay component, other technical features being otherwise retained (components, amounts, tableting pressure etc).

Had he succeeded in establishing a difference in the disintegration speed of the tablets, which would have then been attributable to the compacted nature of the introduced clay, then, this result being unexpected for the man skilled in the art, and not taught nor derivable from the documents cited in the search, the Examining Authority could have inferred that an inventive activity had been made.

The failure to submit the requested evidence comforts the Examining Authority in its opinion.

3. Incidentally, since the effect of compressed clay has not been established, said compressed clay and/or its effect cannot be seen as the unifying common inventive concept shared by all the embodiments claimed in the current claims.

The point did not deserve more attention, for none of said embodiment was seen as amounting to an inventive step.

The Applicant may however, upon entering the regional phase:

- identify the features common to all the embodiments that he claims;
- provide the evidence of the inventive step related to said features;
- draft his claims accordingly.

That could expedite the further processing of his application.

#### **VII. Certain defects in the international application.**

The requirements of Rule 5.1 a) ii) PCT are not met, the documents D1 to D3 are not identified in the description and the relevant background art disclosed therein is not briefly discussed.

#### **VIII. Certain observations on the international application.**

The wording of claim 1 is so inadequate that any clay-containing tablet is novelty destroying: such a tablet comprises compressed (because within the tablet) clay !

Claims 3, 4 and 5 are actually "product-by process claims", it can hardly be determined which features are compulsorily defining the claimed subject-matter.

Claim 13 is characterized by the mere presence of the compressed clay; it appears that the presence of said clay does not suffice to confer any

**INTERNATIONAL PRELIMINARY  
EXAMINATION REPORT - SEPARATE SHEET**

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International application No. PCT/US00/10272

pharmaceutical, plant nutrient or plant fertilizing character to the claimed tablet. Or should all the terms be equated ?

Claim 14 is unclear: is the use of the compacted clay in granular compositions or tablets, or the use to improve the dissolution or disintegration, which is claimed ?



# PATENT COOPERATION TREATY

# PCT

## INTERNATIONAL SEARCH REPORT

(PCT Article 18 and Rules 43 and 44)

Applicant's or agent's file reference <b>CM2100/3B</b>	<b>FOR FURTHER ACTION</b> <small>see Notification of Transmittal of International Search Report (Form PCT/ISA/220) as well as, where applicable, item 5 below.</small>	
International application No. <b>PCT/US 00/ 10272</b>	International filing date (day/month/year) <b>13/04/2000</b>	(Earliest) Priority Date (day/month/year) <b>30/04/1999</b>
Applicant  <b>THE PROCTER &amp; GAMBLE COMPANY et al.</b>		

This International Search Report has been prepared by this International Searching Authority and is transmitted to the applicant according to Article 18. A copy is being transmitted to the International Bureau.

This International Search Report consists of a total of 3 sheets.

☒ It is also accompanied by a copy of each prior art document cited in this report.

**1. Basis of the report**

a. With regard to the **language**, the international search was carried out on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.

☐ the international search was carried out on the basis of a translation of the international application furnished to this Authority (Rule 23.1(b)).

b. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international search was carried out on the basis of the sequence listing :

☐ contained in the international application in written form.

☐ filed together with the international application in computer readable form.

☐ furnished subsequently to this Authority in written form.

☐ furnished subsequently to this Authority in computer readable form.

☐ the statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.

☐ the statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished

2. ☐ **Certain claims were found unsearchable** (See Box I).

3. ☐ **Unity of invention is lacking** (see Box II).

4. With regard to the **title**,

☒ the text is approved as submitted by the applicant.

☐ the text has been established by this Authority to read as follows:

5. With regard to the **abstract**,

☒ the text is approved as submitted by the applicant.

☐ the text has been established, according to Rule 38.2(b), by this Authority as it appears in Box III. The applicant may, within one month from the date of mailing of this international search report, submit comments to this Authority.

6. The figure of the **drawings** to be published with the abstract is Figure No.

☐ as suggested by the applicant.

☐ because the applicant failed to suggest a figure.

☐ because this figure better characterizes the invention.

☐ None of the figures.

**PCT**WORLD INTELLECTUAL PROPERTY ORGANIZATION  
International Bureau

## INTERNATIONAL APPLICATION PUBLISHED UNDER THE PATENT COOPERATION TREATY (PCT)

<b>(51) International Patent Classification <sup>7</sup> :</b> <b>C11D 3/12, 17/00, A61K 9/20, C05G 3/00, 3/04</b>	<b>A1</b>	<b>(11) International Publication Number:</b> <b>WO 00/66688</b> <b>(43) International Publication Date:</b> 9 November 2000 (09.11.00)
<b>(21) International Application Number:</b> PCT/US00/10272 <b>(22) International Filing Date:</b> 13 April 2000 (13.04.00) <b>(30) Priority Data:</b> 9909898.0 30 April 1999 (30.04.99) GB <b>(71) Applicant (for all designated States except US):</b> THE PROCTER & GAMBLE COMPANY [US/US]; One Procter & Gamble Plaza, Cincinnati, OH 45202 (US). <b>(72) Inventors; and</b> <b>(75) Inventors/Applicants (for US only):</b> HEINZMAN, Stephen, Wayne [US/GB]; Delaval Old Vicarage, Seaton Sluice, Whitley Bay NE26 4QW (GB). INGRAM, Barry, Thomas [GB/GB]; 47 Western Way, Whitley Bay, Tyne & Wear NE26 1JE (GB). STRUILLOU, Arnaud, Pierre [FR/GB]; 30 Ashley Close, Ashdown Manor, Killingworth, Newcastle upon Tyne NE12 0GD (GB). MARTIN, Julian, David [GB/GB]; 16 Sandringham Avenue, Benton, Newcastle upon Tyne NE12 8JX (GB). CURTIS, Malcolm [GB/GB]; 16 Chalfont Way, Meadowfield, Durham DH7 8UP (GB). <b>(74) Agents:</b> REED, T., David et al.; The Procter & Gamble Company, 5299 Spring Grove Avenue, Cincinnati, OH 45217-1087 (US).		<b>(81) Designated States:</b> AE, AL, AM, AT, AT (Utility model), AU, AZ, BA, BB, BG, BR, BY, CA, CH, CN, CR, CU, CZ, CZ (Utility model), DE, DE (Utility model), DK, DK (Utility model), DM, EE, EE (Utility model), ES, FI, FI (Utility model), GB, GD, GE, GH, GM, HR, HU, ID, IL, IN, IS, JP, KE, KG, KP, KR, KZ, LC, LK, LR, LS, LT, LU, LV, MA, MD, MG, MK, MN, MW, MX, NO, NZ, PL, PT, RO, RU, SD, SE, SG, SI, SK, SK (Utility model), SL, TJ, TM, TR, TT, TZ, UA, UG, US, UZ, VN, YU, ZA, ZW, ARIPO patent (GH, GM, KE, LS, MW, SD, SL, SZ, TZ, UG, ZW), Eurasian patent (AM, AZ, BY, KG, KZ, MD, RU, TJ, TM), European patent (AT, BE, CH, CY, DE, DK, ES, FI, FR, GB, GR, IE, IT, LU, MC, NL, PT, SE), OAPI patent (BF, BJ, CF, CG, CI, CM, GA, GN, GW, ML, MR, NE, SN, TD, TG).  <b>Published</b> <i>With international search report.</i>
<b>(54) Title:</b> CLEANING COMPOSITIONS AND TABLETS		
<b>(57) Abstract</b> <p>The present invention relates to tablets and detergent compositions comprising a compressed clay component, which is compressed prior to introduction into the tablets or compositions. The compressed clay component provides an improved disintegration, dispersion or dissolution of the tablets or compositions. In laundry detergents or tablets, the selected compressed clay materials have shown to provide good softening as well.</p>		

**FOR THE PURPOSES OF INFORMATION ONLY**

Codes used to identify States party to the PCT on the front pages of pamphlets publishing international applications under the PCT.

AL	Albania	ES	Spain	LS	Lesotho	SI	Slovenia
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EE	Estonia						

## INTERNATIONAL SEARCH REPORT

International Application No

P S 00/10272

## A. CLASSIFICATION OF SUBJECT MATTER

IPC 7 C11D3/12 C11D17/00 A61K9/20 C05G3/00 C05G3/04

According to International Patent Classification (IPC) or to both national classification and IPC

## B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)

IPC 7 C11D A61K C05G

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the international search (name of data base and, where practical, search terms used)

EPO-Internal, WPI Data

## C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X	US 5 062 972 A (BAECK ANDRE C ET AL) 5 November 1991 (1991-11-05) column 3, line 20 -column 4, line 66 ----	1, 15
A	EP 0 846 756 A (PROCTER & GAMBLE) 10 June 1998 (1998-06-10) claims ----	1-10
A	GB 2 278 057 A (WELLCOME FOUND) 23 November 1994 (1994-11-23) claims ----	2, 5, 6, 8, 9, 11, 13
A	GB 590 725 A (HORACE INGLESON) 28 July 1947 (1947-07-28) the whole document ----- -/--	2, 11, 14

☒ Further documents are listed in the continuation of box C.☒ Patent family members are listed in annex.

## \* Special categories of cited documents:

- "A" document defining the general state of the art which is not considered to be of particular relevance
- "E" earlier document but published on or after the international filing date
- "L" document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)
- "O" document referring to an oral disclosure, use, exhibition or other means
- "P" document published prior to the international filing date but later than the priority date claimed

"T" later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention

"X" document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone

"Y" document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art.

"&" document member of the same patent family

Date of the actual completion of the international search

4 August 2000

Date of mailing of the international search report

16/08/2000

Name and mailing address of the ISA

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Authorized officer

Grittern, A

## INTERNATIONAL SEARCH REPORT

International Application No

PCT/US 00/10272

## C.(Continuation) DOCUMENTS CONSIDERED TO BE RELEVANT

Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
A	EP 0 313 146 A (PROCTER & GAMBLE) 26 April 1989 (1989-04-26) cited in the application the whole document ---	1, 15
A	GB 1 258 051 A (ENGLISH CLAYS LOVERING ) 22 December 1971 (1971-12-22) examples ---	1, 2
A	DD 289 758 A (COSWIG CHEMIEWERK VEB) 8 May 1991 (1991-05-08) the whole document -----	13, 14

# INTERNATIONAL SEARCH REPORT

Information on patent family members

International Application No

PCT/US 00/10272

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# INTERNATIONAL SEARCH REPORT

Information on patent family members

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